

Appln. No.: 09/539,815  
Amendment Dated March 28, 2005  
Reply to Office Action of December 28, 2004

MATP-587US

**Remarks/Arguments:**

Claims 1-10 are pending in the above-identified application. Claims 2 and 6 are canceled.

Claims 1 and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakamura et al. in view of Fujinami. This rejection is overcome by amending claim 1 to recite,

...recording the video and audio PES packets on a disk wherein the video PES packets are recorded separately from the audio PES packets ;

retrieving the video and audio PES packets from the disk;

storing the retrieved audio and video PES packets into respective video and audio buffers, wherein the audio PES packets stored in the audio buffer represent a sufficient amount of audio data to be decoded during an interval in which no audio data is being stored into the audio buffer due to a first number of retries caused by at least one soft error on the disk and the video PES packets stored in the video buffer represent a sufficient amount of video data to be decoded during an interval in which no video data is being stored into the video buffer due to a second number of retries caused at least one soft error on the disk; wherein the first number of retries is greater than the second number of retries.

Basis for these amendments may be found in the specification at page 5, line 31 to page 6, line 14 and at page 8, lines 5-11. With regard to claim 1, neither Nakamura et al., Fujinami nor their combination disclose or suggest the limitations of claim 1. Applicants agree with the Examiner's conclusion in the Office Action that Nakamura et al. fails to specifically teach that the audio and video packets stored in the respective audio and video buffers represent different amounts of time. Therefore, Nakamura et al. do not teach that the audio PES packets stored in the audio buffer represent a sufficient amount of audio data to be decoded during an interval in which no data is being stored into the buffer due to a first number of retries caused by at least one soft error on the disk. Nor does Nakamura et al. teach that the video PES packets stored in the video buffer represent a sufficient amount of audio data to be decoded during an interval in which no data is being stored into the buffer due to a second number of retries caused by at least one soft error on the disk, where the first number of retries is greater than the second number of retries.

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In Fujinami, the audio buffer may be increased in an attempt to account for audio skew. The invention in Fujinami does not synchronize the audio and video buffers after a soft disc error occurs. The invention in Fujinami does not suggest or disclose recording the video and audio PES packets on a disk or retrieving the video and audio PES packets from the disk. It would not have been obvious to modify the invention in Nakamura et al. to include an invention which includes only attempts to account for audio skew. Because neither Nakamura et al. Fujinami, nor their combination disclose the limitations of claim 1, claim 1 is not subject to rejection under 35 U.S.C. § 103(a) in view of Nakamura et al. and Fujinami.

With regard to claim 5, claim 5, while not identical to claim 1, includes features similar to those set forth above with regard to claim 1. Thus, claim 5 is also not subject to rejection for the same reasons as those set forth above with regard to claim 1.

Claims 2, 3, and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakamura et al. in view of Fujinami and in view of Tamura. Claims 2 and 6 are cancelled. Nakamura et al. and Fujinami are described above. The invention in Tamura et al. includes a disc recording device that prevents discontinuity of reproduced audio and recording audio during a pause state. The reading of compressed data from data memory device is made empty or limited to prevent discontinuity. The invention in Tamura et al. does not disclose or suggest audio or video buffers representing respectively different numbers of retry operations. Because Nakamura et al., Fujinami, Tamura et al., nor their combination disclose the limitations of claim 1, claim 3, which depends from claim 1, is also not subject to rejection under 35 U.S.C. § 103(a) in view of Nakamura et al., Fujinami and Tamura et al.

Claim 7 is rejected under 35 U.S.C. § 103(a) as being obvious in view of Nakamura et al., Fujinami, Tamura et al. and Fujita. Nakamura et al., Fujinami and Tamura et al. are described above. Fujita describes an apparatus for reproducing data from a recording medium on which main picture data and sub-pictured data are recorded in such a way so that the sub-picture data is reproduced with a predetermined time delay. Fujita does not disclose or suggest audio or video buffers representing a sufficient amount of audio and video data to be decoded during respective intervals in which no audio data or no video data is being stored into the respective audio or video buffer due to a respective first or second number of retries caused by at least one soft error on the disk, where the first number of retries is greater than the second number of retries. Because Nakamura et al., Fujinami, Tamura et al., Fujita, nor their

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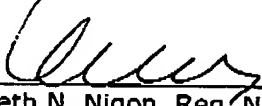
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combination disclose the limitations of claim 5, claim 5 and claim 7, which depends from it are not subject to rejection under 35 U.S.C. § 103(a) in view of Nakamura et al., Fujinami, Tamura et al and Fujita.

Applicants appreciate the indication in the Office Action that claims 4 and 8-10 would be allowable if amended to be independent and to include all of the limitations of their base claims and any intervening claims. Because, as described above, claims 1 and 5 are in condition for allowance, no amendment to claims 4 and 8-10 is needed.

In view of the foregoing amendment and remarks, Applicants request that the Examiner reconsider and withdraw the rejection of claims 1-3 and 5-7.

Respectfully submitted,

  
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Dated: March 28, 2005

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March 28, 2005

  
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